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SUBJECT: TFPM02: SECURITY COUNCIL MEETING ON PANAMA

[11.](#) (U) SUMMARY: SECURITY COUNCIL MET EVENING DEC. 20 TO CONSIDER THE SITUATION IN PANAMA. SOVIET, CHINESE AND NICARAGUAN DELEGATIONS CONDEMNED U.S. INTERVENTION. FRANCE, UK AND CANADA FOCUSED ON THE NEED TO UPHOLD THE WILL OF THE PANAMANIAN PEOPLE AND SUPPORTED U.S. ACTIONS. AMB. PICKERING MADE U.S. STATEMENT WHICH HIGHLIGHTED RECENT ATTACKS ON AMERICANS, THE DECLARATION OF A STATE OF WAR BY NORIEGA, U.S. CONSULTATION WITH DEMOCRATIC PANAMANIAN LEADERS AND NORIEGA'S BLATANT ROBBERY OF THE ELECTIONS. COUNCIL WILL MEET AGAIN 11 AM DEC. 21. END SUMMARY.

[12.](#) (C) DURING INFORMAL CONSULTATIONS PRIOR TO THE SC MEETING, SC MEMBERS DISAGREED REGARDING HOW TO PROCEED. U.S. ARGUED THAT A FORMAL MEETING SHOULD BE PUT OFF UNTIL DEC 21 IN ORDER TO ALLOW THE OAS TO CONSIDER THE ISSUE. NAM SC MEMBERS, THE SOVIETS AND THE CHINESE ALL ARGUED FOR AN IMMEDIATE FORMAL SESSION OF THE SECURITY COUNCIL. AS A COMPROMISE, IT WAS AGREED THAT THE COUNCIL WOULD MEET FORMALLY AT 8 PM, BUT THAT DEBATE WOULD BE LIMITED TO THE COUNTRY THAT REQUESTED THE MEETING -- NICARAGUA -- AND SC MEMBERS.

[13.](#) (U) AT THE FORMAL SESSION, NICARAGUA, THE USSR AND THE CHINESE CONDEMNED U.S. INTERVENTION AND THE USE OF FORCE AS CONTRARY TO THE UN CHARTER. NICARAGUA CHARACTERIZED U.S. ACTIONS AS NOT ONLY A VIOLATION OF PANAMANIAN SOVEREIGNTY, BUT AS A THREAT TO ALL OF CENTRAL AMERICA.

[14.](#) (U) FRENCH DELEGATION SAID THEY REGRETTED THE NEED FOR INTERVENTION BUT THAT THE FUNDAMENTAL PROBLEM WAS NORIEGA'S REFUSAL TO ABIDE BY THE RESULTS OF FREE ELECTIONS IN PANAMA. THE FRENCH SUGGESTED THAT THE SC PRESIDENT ISSUE A STATEMENT REAFFIRMING THE RIGHT OF THE PEOPLE OF PANAMA TO EXPRESS THEIR WILL. THE CANADIANS SAID THAT IN THE CASE OF NORIEGA INTERVENTION WAS JUSTIFIED AND THAT CANADA SUPPORTED U.S. ACTIONS. UK STRESSED NORIEGA'S SUBVERSION OF THE DEMOCRATIC PROCESS AND EXPRESSED FULL SUPPORT FOR THE ACTION TAKEN BY THE U.S. AND FOR THE RESTORATION OF A LEGAL AND DEMOCRATIC GOVERNMENT IN PANAMA.

[15.](#) (U) AMB. PICKERING MADE THE U.S. STATEMENT, WHICH STRESSED THAT THE U.S. ACTED IN SELF-DEFENSE IN RESPONSE TO ARMED ATTACKS BY NORIEGA'S FORCES. THE U.S. HAD MADE REPEATED ATTEMPTS TO SOLVE THE CRISIS BY DIPLOMATIC MEANS BUT NORIEGA HAD REJECTED ALL SUCH ATTEMPTS. THE USG CONSULTED WITH THE DEMOCRATICALLY ELECTED LEADERSHIP, WHO APPROVED OF OUR ACTIONS. TEXT OF U.S. STATEMENT IN PARA 6.

[16.](#) (U) TEXT OF U.S. STATEMENT:

BEGIN TEXT: MR. PRESIDENT, IN ACCORDANCE WITH ARTICLE 51 OF THE UNITED NATIONS CHARTER UNITED STATES FORCES HAVE EXERCISED THEIR INHERENT RIGHT OF SELF-DEFENSE UNDER INTERNATIONAL LAW BY TAKING ACTION IN PANAMA IN RESPONSE TO ARMED ATTACKS BY FORCES UNDER THE DIRECTION

OF MANUEL NORIEGA. THE ACTION IS DESIGNED TO PROTECT AMERICAN LIVES AS WELL AS TO FULFILL THE OBLIGATIONS OF THE UNITED STATES TO DEFEND THE INTEGRITY OF THE PANAMA CANAL TREATIES. WE SHARE THE SORROW OF ALL THAT THESE NECESSARY ACTIONS HAVE CAUSED A LOSS OF LIFE AND DAMAGE.

THE SITUATION IN PANAMA HAS BEEN INTOLERABLE. FOR NEARLY TWO YEARS, THE UNITED STATES, THE NATIONS OF LATIN AMERICA AND THE CARIBBEAN WORKED TOGETHER TO TRY TO RESOLVE THE CRISIS IN PANAMA. THE GOALS OF THE UNITED STATES REMAINED UNCHANGED THROUGHOUT THIS PERIOD - TO SAFEGUARD THE LIVES OF AMERICANS, TO DEFEND DEMOCRACY IN PANAMA, TO COMBAT DRUG TRAFFICKING AND TO PROTECT THE INTEGRITY OF THE PANAMA CANAL TREATY. REPEATED ATTEMPTS WERE MADE TO SOLVE THE CRISIS THROUGH DIPLOMATIC MEANS AND NEGOTIATIONS. NORIEGA TURNED THEM ALL DOWN.

THE ROOT CAUSE OF THE CRISIS IN PANAMA HAS BEEN THE STRUGGLE BETWEEN NORIEGA AND HIS THUGS AND THE PEOPLE OF PANAMA. HIS RUTHLESS CABAL REPEATEDLY OBSTRUCTED THE WILL OF THE PANAMANIAN PEOPLE WHICH HAD BEEN EXPRESSED IN FREE ELECTIONS. AS A RESULT OF LAST NIGHT'S ACTIONS THIS SITUATION HAS BEEN REVERSED. THE FREELY ELECTED LEADERS OF PANAMA PRESIDENT GUILLERMO ENDARA AND VICE PRESIDENTS ARIAS CALDERON AND FORD HAVE ASSUMED THE RIGHTFUL LEADERSHIP OF THEIR COUNTRY.

IT IS WORTH NOTING THAT THE UNITED STATES GOVERNMENT CONSULTED WITH THE DEMOCRATICALLY ELECTED LEADERSHIP PRIOR TO LAST EVENING'S ACTIONS AND THAT THEY APPROVED OF OUR STEPS.

SOME MAY ASK WHY MY GOVERNMENT HAD TO TAKE MILITARY ACTION NOW. PRESIDENT BUSH PROVIDED THE ANSWER THIS MORNING: "LAST FRIDAY, NORIEGA DECLARED HIS MILITARY DICTATORSHIP TO BE IN A STATE OF WAR WITH THE UNITED STATES AND PUBLICLY THREATENED THE LIVES OF AMERICANS LIVING IN PANAMA. THE VERY NEXT DAY, FORCES UNDER HIS COMMAND SHOT AND KILLED AN UNARMED AMERICAN SERVICEMAN, WOUNDED ANOTHER, ARRESTED AND BRUTALLY BEAT A THIRD AMERICAN SERVICEMAN, AND THEN BRUTALLY INTERROGATED HIS WIFE, THREATENING HER WITH SEXUAL ABUSE.

THAT WAS ENOUGH.

GENERAL NORIEGA'S RECKLESS THREATS AND ATTACKS UPON AMERICANS IN PANAMA CREATED AN IMMINENT DANGER TO THE 35,000 AMERICAN CITIZENS IN PANAMA. AS PRESIDENT, I HAVE NO HIGHER OBLIGATION THAN TO SAFEGUARD THE LIVES OF AMERICAN CITIZENS. AND THAT IS WHY I DIRECTED OUR ARMED FORCES TO PROTECT THE LIVES OF AMERICAN CITIZENS IN PANAMA AND TO BRING GENERAL NORIEGA TO JUSTICE IN THE UNITED STATES."

I WANT FOR A FEW MINUTES TO NOTE THAT THE TURN TOWARD DEMOCRACY THAT CHARACTERIZES OUR ERA BEGAN IN THIS HEMISPHERE. IN RECENT YEARS, NATION AFTER NATION HAS DECIDE TO FOLLOW THE DEMOCRATIC PATH. TOGETHER, HERE IN THE AMERICAS, WE ARE BUILDING THE WORLD'S FIRST DEMOCRATIC HEMISPHERE.

THE PEOPLE OF PANAMA BEGAN THEIR HISTORIC JOURNEY TOWARD DEMOCRACY WHEN THEY SPOKE CLEARLY ON MAY 7 OF THIS YEAR. THEY VOTED FOR NATIONAL DIGNITY. THEY VOTED TO END A BRUTAL DICTATORSHIP. THEY VOTED TO BE FREE. THEY HAVE A RIGHT TO BE FREE. NO ONE HAS A RIGHT TO DENY THAT FREEDOM.

NEVERTHELESS, THAT VOTE FOR DEMOCRACY WAS MET WITH NORIEGA'S IRON PIPES AND RIFLE BUTTS, HIRED MOBS AND PRISON CELLS. THE WHOLE WORLD DENOUNCED THE VIOLATION OF HUMAN RIGHTS WHICH WE WITNESSED IN PANAMA AS DID THE ORGANIZATION OF AMERICAN STATES. INDEED THE IMAGES OF COURAGE AND THE IMAGES OF BLOOD FROM THAT HISTORIC WEEK IN PANAMA WILL ALWAYS BE ETCHED IN OUR MEMORY.

THE QUESTION BEFORE US HAS NEVER BEEN OUR COMMITMENT TO

PANAMANIAN SOVEREIGNTY NOT IS IT TODAY. FOR THE SOVEREIGN WILL OF THE PANAMANIAN PEOPLE IS WHAT WE ARE HERE DEFENDING. THE QUESTION BEFORE US WAS OUR COMMITMENT TO UPHOLD THOSE HISTORIC TREATIES FROM THE DAY THEY WERE SIGNED.

AND LET US BE CLEAR ABOUT ONE THING, IF NOTHING ELSE. NORIEGA DID NOT STEAL THE MAY 7 ELECTION BECAUSE OF "SANCTIONS" OR THE LEGITIMATE EXERCISE OF TREATY RIGHTS. HE STOLE THE ELECTION BECAUSE HE LOST IT, AND ATTEMPTS TO SHIFT THE FOCUS FROM THAT OVERWHELMING FACT ARE NOTHING MORE OR LESS THAN DELIBERATE OBFUSCATION. THERE IS ANOTHER ISSUE AT STAKE IN THIS DEBATE OVER PANAMA -- THE DISGRACE, THE TERRIBLE EVIL OF DRUG TRAFFICKING. WE HAVE BEEN REMINDED AGAIN OF THE TERRIBLE PRICE BRAVE MEN AND WOMEN -- AND WHOLE SOCIETIES -- PAY BECAUSE THESE MONSTERS -- THESE DRUG TRAFFICKERS -- CONTINUE IN OUR MIDST.

THIS IS A WAR AS DEADLY AND AS DANGEROUS AS ANY FOUGHT WITH ARMIES MASSED ACROSS BORDERS; THE SURVIVAL OF DEMOCRATIC NATIONS IS AT STAKE.

COUNTRIES THAT PROVIDE SAFE HAVEN AND SUPPORT FOR THE INTERNATIONAL DRUG TRAFFICKING CARTELS MENACE THE PEACE AND SECURITY JUST AS SURELY AS IF THEY WERE USING THEIR OWN CONVENTIONAL MILITARY FORCES TO ATTACK OUR SOCIETIES. THE TRUTH IS, AND EVERY ONE OF US KNOWS IT, GENERAL NORIEGA TURNED PANAMA INTO A HAVEN FOR DRUG TRAFFICKERS AND A CENTER FOR MONEY LAUNDERING AND

TRANS-SHIPMENT OF COCAINE. GENERAL NORIEGA COULD NOT BE PERMITTED FALSELY TO WRAP HIMSELF IN THE FLAG OF PANAMANIAN SOVEREIGNTY WHILE THE DRUG CARTELS WITH WHICH HE IS ALLIED INTERVENE THROUGHOUT THIS HEMISPHERE. THAT, MR. PRESIDENT, IS AGGRESSION. IT IS AGGRESSION AGAINST US ALL, AND NOW IT IS BEING BROUGHT TO AN END.

MR. PRESIDENT I ALSO WISH TO POINT OUT THAT THE UNITED STATES HAS BOTH THE RIGHT, AND FOR THAT MATTER, THE DUTY TO PROTECT AND DEFEND THE PANAMA CANAL UNDER ARTICLE 4 OF THE PANAMA CANAL TREATY. THE BASIC UNITED STATES' RESPONSIBILITY IS TO OPERATED AND DEFEND THE PANAMA CANAL UNTIL ITS TRANSFER TO PANAMA AT THE END OF THIS CENTURY. EVEN DURING THE NORIEGA REGIME'S ILLEGAL SEIZURE OF POWER THE UNITED STATES HAS CONTINUED TO DO WHAT IT HAS DONE SINCE THE ENTRY INTO FORCE OF THE TREATY A DECADE AGO - PROVIDING FOR THE SAFE AND ORDERLY TRANSIT OF VESSELS THROUGH THE CANAL WHILE ASSURING INCREASING PANAMANIAN PARTICIPATION IN ITS MANAGEMENT AND OPERATION.

FOR THE PAST TWO YEARS THE NORIEGA REGIME ENGAGED IN A SYSTEMATIC CAMPAIGN TO HARASS AND INTIMIDATE UNITED STATES AND PANAMANIAN EMPLOYEES OF THE PANAMA CANAL COMMISSION AND THE UNITED STATES FORCES. IN THE LAST YEAR ALONE, THERE HAVE BEEN OVER 300 VIOLATIONS OF U.S. MILITARY BASES BY ARMED PANAMANIAN DEFENSE FORCES PERSONNEL; OVER 400 U.S. PERSONNEL HAVE BEEN DETAINED AND 140 U.S. PERSONNEL HAVE BEEN ENDANGERED. THIS PROVOCATIVE AND INTOLERABLE BEHAVIOR REACHED A PEAK LAST FRIDAY. IT THREATENED AMERICAN AND PANAMANIAN LIVES AS WELL AS CANAL OPERATIONS.

AS THE COUNCIL DEBATES THIS ISSUE IT IS WORTH NOTING THAT CHAPTER VIII OF THE CHARTER CALLS UPON MEMBER STATES TO MAKE EVERY EFFORT TO USE REGIONAL AGENCIES TO SOLVE REGIONAL PROBLEMS. THE LANGUAGE OF ARTICLE 52 IS STRIKING IN ITS USE OF THE WORD "SHALL" IN THIS CONTEXT. THE USE OF "SHALL" LEAVES LITTLE ROOM FOR DOUBT THAT MEMBERS OF A REGIONAL ARRANGEMENT ARE OBLIGED TO REFER REGIONAL DISPUTES TO REGIONAL ORGANIZATIONS AND THAT THE SECURITY COUNCIL IS OBLIGATED TO ENCOURAGE THIS RECOURSE TO REGIONAL AGENCIES. CURRENTLY THE ORGANIZATION OF AMERICAN STATES IS ENGAGED IN THAT EFFORT.

ASIDE FROM THE LEGAL CONSEQUENCES THAT FLOW FROM THE USE

OF "SHALL" IN CHAPTER VIII, COMMON SENSE DICTATES THAT WHERE THERE IS A REGIONAL ORGANIZATION AND A REGIONAL PROBLEM, RECOURSE SHOULD BE TO THE REGIONAL ORGANIZATION. THIS NEED NOT AND DOES NOT PRECLUDE UN INVOLVEMENT. HOWEVER, THE RISK OF WASTEFUL DUPLICATION IS OBVIOUS. FAR MORE SERIOUS IS THE POSSIBILITY FOR REACHING INCONSISTENT CONCLUSIONS. IT IS IMPORTANT THAT INTERNATIONAL ORGANIZATIONS CONTRIBUTE TO RESOLVING PROBLEMS NOT FURTHER COMPLICATE THEM.

THE PURPOSE OF THE UNITED STATES IN THIS CRISIS IS CLEAR AND CONSISTENT. WE RESORTED TO MILITARY ACTION UNDER ARTICLE 51 IN A SITUATION WHERE AMERICAN LIVES WERE CLEARLY IN DANGER AND WHERE OUR ABILITY TO HONOR OBLIGATIONS UNDER THE PANAMA CANAL TREATY WAS THREATENED BY VIOLENT ACTIONS. WE DID SO IN A MANNER DESIGNED TO MINIMIZE CASUALTIES AND DAMAGE. WE CONSULTED IN ADVANCE WITH THE DEMOCRATICALLY ELECTED LEADERS OF PANAMA AND THEY APPROVED OF OUR ACTIONS. WE INTEND TO WITHDRAW OUR FORCES FROM PANAMA AS QUICKLY AS POSSIBLE AND AS PRESIDENT BUSH SAID:

"THE UNITED STATES IS EAGER TO WORK WITH THE PANAMANIAN PEOPLE IN PARTNERSHIP AND FRIENDSHIP TO REBUILD THEIR ECONOMY. THE PANAMANIAN PEOPLE WANT DEMOCRACY, PEACE, AND THE CHANCE FOR A BETTER LIFE IN DIGNITY AND FREEDOM. THE PEOPLE OF THE UNITED STATES SEEK ONLY TO SUPPORT THEM IN PURSUIT OF THESE NOBLE GOALS."

IN SUM, MR PRESIDENT, I WOULD LIKE TO QUOTE FROM A STATEMENT MADE THIS AFTERNOON BY SECRETARY BAKER. OUR FOREIGN-POLICY GOALS IN PANAMA HAVE BEEN CLEAR, AND THEY'VE BEEN CONSISTENT. WE HAVE SOUGHT TO HELP THE PANAMANIAN PEOPLE BUILD AN AUTHENTIC DEMOCRACY. WE HAVE BEEN COMMITTED TO FULL IMPLEMENTATION AND REMAIN COMMITTED TO FULL IMPLEMENTATION OF THE PANAMA CANAL TREATIES.

WE HAVE MADE UNPRECEDENTED EFFORTS THROUGH THE OAS AND IN CONSULTATIONS WITH LATIN AND CARIBBEAN LEADERS, AS WELL AS OTHERS, TO RESOLVE THE CRISIS IN PANAMA.

WE HOPED AND BELIEVE THAT THE ELECTIONS HELD LAST MAY COULD BE A MEANS TO RESOLVE THE CRISIS, BUT WHEN NORIEGA STOLE THAT ELECTION AND VIOLENTLY SUPPRESSED THE OPPOSITION THE CRISIS ONLY GREW WORSE.

PRESIDENT BUSH HAS CONTINUALLY SAID THAT HE WOULD NOT RULE OUT THE USE OF FORCE BUT HE ALSO SAID, REPEATEDLY, THAT FORCE WAS CLEARLY THE LAST OPTION TO BE CONSIDERED. THANK YOU, MR. PRESIDENT. END TEXT.
PICKERING
UNQUOTE

BAKER